

REMARKS

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Claims 1 and 3-11 are now present in this application, of which claim 1 is independent. By this amendment, claim 2 has been canceled, without prejudice or disclaimer, and claims 1 and 3-11 have been amended.

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

The Examiner has not acknowledged Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document. Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed March 17, 2006, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith.

Drawings

Applicants thank the Examiner for indicating that the drawings are accepted.

Claim Amendments

Applicants have amended the claims in order to remove reference characters from the claims. The claim amendments are not being made in response to any statutory requirement for patentability, and have not been narrowed in scope. Instead, the claims have been amended merely to recite the subject matter therein more clearly.

Rejection Under 35 U.S.C. §§ 102 and 103

Claims 1-4, 6-8, and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,603,433 to Gautier et al. ("Gautier"). Further, claims 5, 9, and 10 stand rejected under

35 U.S.C. § 103(a) as being unpatentable over Gautier in view of U.S. Patent No. 6,095,689 to Bochet. This rejection is respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a container blank including, *inter alia*, "an upper portion," "a bottom portion," "a central portion defined by the upper portion and the bottom portion and also by a front boundary line and an intermediate boundary line, said portions being arranged along a longitudinal axis of the container blank," and "a handle portion defined by the intermediate boundary line and a rear boundary line, wherein the intersections between the front boundary line and respectively the rear boundary line and the upper portion and the bottom portion constitute corners of a parallelogram comprising an angle of inclination relative to the longitudinal axis of the container blank, in which parallelogram the front boundary line forms an angle which is acute towards the bottom portion, the front boundary line and the intermediate boundary line along the longitudinal axis of the container blank give the central portion an essentially symmetrical, frustoconical shape, the front boundary line has a concave curvature relative to the central portion, and the intermediate boundary line has a concave curvature relative to the central portion."

Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Gautier and Bochet.

Gautier discloses a bag provided with a removable stiffening means 5 that can serve both as a handle and stopper element. While not in use, the stiffening means is kept in place in a cavity, and once the bag has been opened by cutting off an end portion, the stiffening means 5 is inserted like a plug into the resulting opening. The problem solved by Gautier clearly differs from the problem solved by the claimed invention, which is the provision of a well balanced container of a collapsible type with a reduced risk of tilting and wrinkling. See p. 2, lines 20-23.

While the overall geometry of the bag of Gautier appears similar to the claimed invention, Gautier fails to show or describe the claimed geometry of the central portion of the container blank, namely, the front boundary line and the intermediate boundary line along the longitudinal axis of the container blank give the central portion an essentially symmetrical, frustoconical shape. To further clarify this claimed feature, claim 1 has been amended to require that the front boundary line has a concave curvature relative to the central portion and the intermediate boundary line also has a concave curvature relative to the central portion thereby giving the central portion an essentially symmetrical, frustoconical shape.

This feature is important to the claimed invention because the symmetry makes the container well balanced and reduces the tendency of tilting and wrinkling. See p. 4, line 12 to p. 5, line 16, p. 14, lines 11-34, and Fig. 4. In particular, with reference to Fig. 4, the center of gravity (CG-M) of the liquid held in the central portion and center of gravity (CG-B) of the liquid held in the bottom portion are arranged such that these two points coincide along the longitudinal axis, thereby providing a well balanced container. As a further effect, as described at p. 5, lines 13-16, the frustoconical shape results in the center of gravity being low, which means that the container will stand stable on a base.

Finally, Applicants respectfully submit that one of ordinary skill in the art starting with the problem of providing a well balanced container would not consider Gautier as a relevant starting point since Gautier deals with the problem of providing a container that is easy to grip and easy to close. Gautier solves this problem by providing a removable stiffening means 5 that can be used as a plug to close the container. Gautier has nothing at all to do with the balancing of the container or tilting of the container or wrinkling of the front end of the container. Gautier does not discuss the geometry of the liquid column in the container which is a direct result of the geometry of the liquid containing part of the container, e.g., the compartment defined by the front and the intermediate boundary lines.

Bochet was cited for reasons unrelated to the above-noted deficiencies of Gautier. Accordingly, the hypothetical combination of Gautier and Bochet fails to teach or render independent claim 1 obvious. Claim 11 is allowable for at least the same reason as independent claim 1 is allowable.

Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Gautier and Bochet, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 3-10, Applicants submit that claims 3-10 depend, either directly or indirectly, from independent claim 1, which is allowable for the reasons set forth above, and therefore claims 3-10 are allowable based on their dependence from claim 1, as well as for their additional recited subject matter. For example, regarding claim 4, Gautier does not disclose any handle-forming duct means to be gas filled since that contravenes the receiving function for the stiffening means 5.

Reconsideration and allowance of claim 3-10 are respectfully requested.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chad D. Wells, Registration No. 50,875, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

Application No. 10/572,551
Amendment dated March 24, 2009
Reply to Office Action of December 24, 2008

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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